

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/465,607 Confirmation No.: 9080  
Applicant: Timothy M. Keiser et al.  
Title: COMPUTER-IMPLEMENTED SECURITIES TRADING SYSTEM  
Filed: December 17, 1999  
Art Unit: 3691  
Examiner: Clement Graham  
Atty. Docket: 98-HSX001-C1  
Customer No. 63710

**TRANSMITTAL MAKING EMAIL COMMUNICATIONS OF RECORD**

Recognizing that Internet communications are not secure, Applicant previously authorized the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicant previously pointed out that Applicant understands that a copy of these communications will be made of record in the application file of the present application.

Attached as an Appendix, are email communications, including all attachments, between the undersigned and the Examiner(s) directly relating to prosecution of the present application. By submitting these email communications, Applicant in no way waives, e.g., claims of privilege with respect to email message(s), *if any*, that may have, e.g., been distributed internally and confidentially by Applicants and, e.g., not sent to an addressee at the United States Patent and Trademark Office, but that might include, e.g., some or all of any of the attached email message(s) in the Appendix.

Respectfully submitted,

Dated: February 7, 2011

By: /Christopher D. Agnew/  
Christopher D. Agnew  
Reg. No. 43,464  
cagnew@cantor.com  
(857) 413-2050  
Customer No: 63710

**APPENDIX**  
**TO TRANSMITTAL MAKING EMAIL COMMUNICATIONS OF RECORD**

**From:** Agnew, Christopher  
**To:** "clement.graham@uspto.gov"  
**Cc:** "hani.kazimi@uspto.gov"  
**Subject:** Application Serial No. 09/465,607 (Atty. Docket No. 98-HSX001-C1)  
**Date:** Tuesday, July 27, 2010 9:11:32 PM  
**Attachments:** 98-HSX001-C1\_100727\_Proposed\_Amendment.pdf  
98-HSX001-C1\_100727\_Proposed\_Amendment.doc  
98-HSX001-C1\_100723\_Terminal\_Disclaimer\_11-351614.pdf  
98-HSX001-C1\_100723\_Terminal\_Disclaimer\_10-655409.pdf

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Dear Examiner Graham and Primary Examiner Kazimi,

Attached please find proposed claim amendments in the above patent application. I have included both PDF and Word versions of these amendments.

**Although the new claims have been prepared according to the spirit of our discussion last week, please note that these new claims do differ in some respects from what we discussed so a brief follow up discussion may be in order. I know that Primary Examiner Kazimi is on vacation, so, if you like, we can speak when he returns.**

**As requested, I filed two Terminal Disclaimers (attached to this email for your convenience) in this case last Friday.**

Please note that the attached proposed new claims are intended to advance prosecution toward an earlier allowance and/or satisfy current business objectives of Applicant, and are not necessarily proposed for reasons of patentability. Canceled claims, if any, are canceled without prejudice or disclaimer.

Applicants authorize entry of the proposed new claims (and amended title) as an Examiner's Amendment. Applicants also hereby authorize the Commissioner of Patents to charge any additional claims fees associated with the Examiner's Amendment to our Deposit Account No. 50-3938.

I am available to speak with you 24 hours a day/7 days a week. My work number is (857) 413-2050 and my home number is (781) 826-0894. I look forward to speaking with you in the near future.

Authorization for Email Communication

Recognizing that Internet communications are not secure, Applicant hereby authorizes the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicant understands that a copy of these communications will be made of record in the application file.

General Authorization for All Fees During Pendency of this Application

For the entire pendency of the application, the Commissioner of Patents is hereby authorized to charge all fees, or credit any overpayment, to our Deposit Account No. 50-3938.

Best regards,

/Christopher D. Agnew/

**Christopher David Agnew**

Vice President and Assistant General Counsel

Cantor Fitzgerald, L.P.

125 High Street, 26th Floor

Boston, MA 02110

(857) 413-2050 (Direct)

(857) 413-6727 (Mobile)

(212) 308-7537 (Fax)

[cagney@cantor.com](mailto:cagney@cantor.com)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Timothy M. Keiser *et al.*  
Application No. : **09/465,607**  
Confirmation No. : 9080  
Filed : December 17, 1999  
For : COMPUTER-IMPLEMENTED SECURITIES TRADING  
SYSTEM WITH A VIRTUAL SPECIALIST FUNCTION  
  
[New Title after entry of Proposed Amendment:  
**COMPUTER-IMPLEMENTED SECURITIES  
TRADING SYSTEM**]  
  
Group Art Unit : 3691  
Examiner : Clement Graham  
Attorney Docket No. : 98-HSX001-C1  
Customer No. : 63710

**PROPOSED AMENDMENT TO THE TITLE**

**Please make an Examiner's Amendment changing the title to the following:**

**COMPUTER-IMPLEMENTED SECURITIES TRADING SYSTEM**

**PROPOSED CLAIM AMENDMENTS**

INDEPENDENT CLAIMS: 23, 31, 39, 47, 48, 49, 50, 59, 68, 69, 70, and 71

DEPENDENT CLAIMS: 24-30, 32-38, 40-46, 51-58, and 60-67

CANCELED CLAIMS: 1-22 (canceled without prejudice or disclaimer)

CURRENTLY AMENDED: **None**

NEW CLAIMS: 23-71

1-22. (Canceled).

23. (New) A method, comprising:  
setting, using a computing device, an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
    setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
receiving via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
receiving via the remote device a second order to sell the derivative financial instrument;  
setting, using the computing device, a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
executing a trade of the derivative financial instrument at the set market price.

24. (New) The method of claim 23, in which the set market price is indicative of a market interest in the movie such that a prediction of a box office revenue for the movie may be made based at least in part on the set market price in advance of a release of the movie.

25. (New) The method of claim 23, in which the network comprises the Internet.

26. (New) The method of claim 23, in which the set market price is presented by electronic currency.

27. (New) The method of claim 26, further comprising:  
debiting a first account controlled by a first trader who issued the first order in the electronic currency for the executed trade, and  
crediting a second account controlled by a second trader who issued the second order with proceeds in the electronic currency for the executed trade.

28. (New) The method of claim 26, in which the electronic currency comprises Hollywood dollars.

29. (New) The method of claim 23, in which the set market price reflects a current production status of the movie.

30. (New) The method of claim 23, further comprising:  
offering the derivative financial instrument at the initial price.

31. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:  
set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and execute a trade of the derivative financial instrument at the set market price.

32. (New) The apparatus of claim 31, in which the set market price is indicative of a market interest in the movie such that a prediction of a box office revenue for the movie may be made based at least in part on the set market price in advance of a release of the movie.

33. (New) The apparatus of claim 31, in which the network comprises the Internet.

34. (New) The apparatus of claim 31, in which the set market price is presented by electronic currency.

35. (New) The apparatus of claim 34, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

debit a first account controlled by a first trader who issued the first order in the electronic currency for the executed trade, and

credit a second account controlled by a second trader who issued the second order with proceeds in the electronic currency for the executed trade.

36. (New) The apparatus of claim 34, in which the electronic currency comprises Hollywood dollars.

37. (New) The apparatus of claim 31, in which the set market price reflects a current production status of the movie.

38. (New) The apparatus of claim 31, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

offer the derivative financial instrument at the initial price.

39. (New) An article of manufacture, comprising:



a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based

at least in part on a potential box office revenue for the movie;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

40. **(New)** The article of manufacture of claim 39, in which the set market price is indicative of a market interest in the movie such that a prediction of a box office revenue for the movie may be made based at least in part on the set market price in advance of a release of the movie.

41. **(New)** The article of manufacture of claim 39, in which the network comprises the Internet.

42. **(New)** The article of manufacture of claim 39, in which the set market price is presented by electronic currency.

43. **(New)** The article of manufacture of claim 42, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:

debit a first account controlled by a first trader who issued the first order in the electronic currency for the executed trade, and

credit a second account controlled by a second trader who issued the second order with proceeds in the electronic currency for the executed trade.

44. (New) The article of manufacture of claim 42, in which the electronic currency comprises Hollywood dollars.

45. (New) The article of manufacture of claim 39, in which the set market price reflects a current production status of the movie.

46. (New) The article of manufacture of claim 39, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:  
offer the derivative financial instrument at the initial price.

47. (New) A method, comprising:  
setting, using a computing device, an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
    setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
receiving via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
receiving via the remote device a second order to sell the derivative financial instrument;  
setting, using the computing device, a market price based at least in part on a criterion associated with the movie, in which the computing device and the remote device are in communication; and  
executing a trade of the derivative financial instrument at the set market price.

48. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based

at least in part on a potential box office revenue for the movie;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on a criterion associated with the movie, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

49. **(New)** An article of manufacture, comprising:

a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based

at least in part on a potential box office revenue for the movie;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on a criterion associated with the movie, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

50. **(New)** A method, comprising:

setting, using a computing device, an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

    setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
    receiving via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
    receiving via the remote device a second order to sell the derivative financial instrument;  
    setting, using the computing device, a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
    executing a trade of the derivative financial instrument at the set market price.

51.     **(New)** The method of claim 50, in which the set market price is indicative of a market interest in the movie talent such that a prediction of a potential box office revenue for a movie featuring the movie talent may be made based at least in part on the set market price in advance of a release of the movie.

52.     **(New)** The method of claim 50, in which the network comprises the Internet.

53.     **(New)** The method of claim 50, in which the set market price is presented by electronic currency.

54.     **(New)** The method of claim 53, further comprising:  
    debiting a first account controlled by a first trader who issued the first order in the electronic currency for the executed trade, and  
    crediting a second account controlled by a second trader who issued the second order with proceeds in the electronic currency for the executed trade.

55. (New) The method of claim 53, in which the electronic currency comprises Hollywood dollars.

56. (New) The method of claim 50, further comprising:  
offering the derivative financial instrument at the initial price;

57. (New) The method of claim 56, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a higher yield than another bond that represents another movie talent, the another movie talent having a higher popularity rating than the popularity rating for the movie talent.

58. (New) The method of claim 56, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a lower yield than another bond that represents another movie talent, the another movie talent having a lower popularity rating than the popularity rating for the movie talent.

59. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based  
at least in part on a popularity rating for the movie talent in the  
entertainment industry;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
execute a trade of the derivative financial instrument at the set market price.

60. (New) The apparatus of claim 59, in which the set market price is indicative of a market interest in the movie talent such that a prediction of a potential box office revenue for a movie featuring the movie talent may be made based at least in part on the set market price in advance of a release of the movie.

61. (New) The apparatus of claim 59, in which the network comprises the Internet.

62. (New) The apparatus of claim 59, in which the set market price is presented by electronic currency.

63. (New) The apparatus of claim 62, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

debit a first account controlled by a first trader who issued the first order in the electronic currency for the executed trade, and

credit a second account controlled by a second trader who issued the second order with proceeds in the electronic currency for the executed trade.

64. (New) The apparatus of claim 62, in which the electronic currency comprises Hollywood dollars.

65. (New) The apparatus of claim 59, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

offer the derivative financial instrument at the initial price;

66. (New) The apparatus of claim 65, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a higher yield than another bond that represents another movie talent, the another movie talent having a higher popularity rating than the popularity rating for the movie talent.

67. (New) The apparatus of claim 65, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a lower yield than another bond that represents another movie talent, the another movie talent having a lower popularity rating than the popularity rating for the movie talent.

68. (New) An article of manufacture, comprising:  
a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based  
at least in part on a popularity rating for the movie talent in the  
entertainment industry;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
execute a trade of the derivative financial instrument at the set market price.

69. (New) A method, comprising:

setting, using a computing device, an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
receiving via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
receiving via the remote device a second order to sell the derivative financial instrument;  
setting, using the computing device, a market price based at least in part on a criterion associated with the movie talent, in which the computing device and the remote device are in communication; and  
executing a trade of the derivative financial instrument at the set market price.

70. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
receive via the remote device a second order to sell the derivative financial instrument;  
set a market price based at least in part on a criterion associated with the movie talent, in which the computing device and the remote device are in communication; and  
execute a trade of the derivative financial instrument at the set market price.



71. (New) An article of manufacture, comprising:  
a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:  
    set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
        setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
    receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
    receive via the remote device a second order to sell the derivative financial instrument;  
    set a market price based at least in part on a criterion associated with the movie talent, in which the computing device and the remote device are in communication; and  
    execute a trade of the derivative financial instrument at the set market price.

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SYSTEM WITH A VIRTUAL SPECIALIST FUNCTION  
  
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Group Art Unit : 3691  
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**PROPOSED AMENDMENT TO THE TITLE**

**Please make an Examiner's Amendment changing the title to the following:**

**COMPUTER-IMPLEMENTED SECURITIES TRADING SYSTEM**

**PROPOSED CLAIM AMENDMENTS**

INDEPENDENT CLAIMS: 23, 31, 39, 47, 48, 49, 50, 59, 68, 69, 70, and 71

DEPENDENT CLAIMS: 24-30, 32-38, 40-46, 51-58, and 60-67

CANCELED CLAIMS: 1-22 (canceled without prejudice or disclaimer)

CURRENTLY AMENDED: **None**

NEW CLAIMS: 23-71

1-22. (Canceled).

23. (New) A method, comprising:

setting, using a computing device, an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;

receiving via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receiving via the remote device a second order to sell the derivative financial instrument;

setting, using the computing device, a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

executing a trade of the derivative financial instrument at the set market price.

24. (New) The method of claim 23, in which the set market price is indicative of a market interest in the movie such that a prediction of a box office revenue for the movie may be made based at least in part on the set market price in advance of a release of the movie.

25. (New) The method of claim 23, in which the network comprises the Internet.

26. (New) The method of claim 23, in which the set market price is presented by electronic currency.

27. (New) The method of claim 26, further comprising:  
debiting a first account controlled by a first trader who issued the first order in the electronic currency for the executed trade, and  
crediting a second account controlled by a second trader who issued the second order with proceeds in the electronic currency for the executed trade.

28. (New) The method of claim 26, in which the electronic currency comprises Hollywood dollars.

29. (New) The method of claim 23, in which the set market price reflects a current production status of the movie.

30. (New) The method of claim 23, further comprising:  
offering the derivative financial instrument at the initial price.

31. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:  
set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and execute a trade of the derivative financial instrument at the set market price.

32. (New) The apparatus of claim 31, in which the set market price is indicative of a market interest in the movie such that a prediction of a box office revenue for the movie may be made based at least in part on the set market price in advance of a release of the movie.

33. (New) The apparatus of claim 31, in which the network comprises the Internet.

34. (New) The apparatus of claim 31, in which the set market price is presented by electronic currency.

35. (New) The apparatus of claim 34, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

debit a first account controlled by a first trader who issued the first order in the electronic currency for the executed trade, and

credit a second account controlled by a second trader who issued the second order with proceeds in the electronic currency for the executed trade.

36. (New) The apparatus of claim 34, in which the electronic currency comprises Hollywood dollars.

37. (New) The apparatus of claim 31, in which the set market price reflects a current production status of the movie.

38. (New) The apparatus of claim 31, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

offer the derivative financial instrument at the initial price.

39. (New) An article of manufacture, comprising:

a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based

at least in part on a potential box office revenue for the movie;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

40. **(New)** The article of manufacture of claim 39, in which the set market price is indicative of a market interest in the movie such that a prediction of a box office revenue for the movie may be made based at least in part on the set market price in advance of a release of the movie.

41. **(New)** The article of manufacture of claim 39, in which the network comprises the Internet.

42. **(New)** The article of manufacture of claim 39, in which the set market price is presented by electronic currency.

43. **(New)** The article of manufacture of claim 42, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:

debit a first account controlled by a first trader who issued the first order in the electronic currency for the executed trade, and

credit a second account controlled by a second trader who issued the second order with proceeds in the electronic currency for the executed trade.

44. (New) The article of manufacture of claim 42, in which the electronic currency comprises Hollywood dollars.

45. (New) The article of manufacture of claim 39, in which the set market price reflects a current production status of the movie.

46. (New) The article of manufacture of claim 39, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:  
offer the derivative financial instrument at the initial price.

47. (New) A method, comprising:  
setting, using a computing device, an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
    setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
receiving via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
receiving via the remote device a second order to sell the derivative financial instrument;  
setting, using the computing device, a market price based at least in part on a criterion associated with the movie, in which the computing device and the remote device are in communication; and  
executing a trade of the derivative financial instrument at the set market price.

48. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based

at least in part on a potential box office revenue for the movie;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on a criterion associated with the movie, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

49. **(New)** An article of manufacture, comprising:

a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based

at least in part on a potential box office revenue for the movie;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on a criterion associated with the movie, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

50. **(New)** A method, comprising:



setting, using a computing device, an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

    setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
    receiving via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
    receiving via the remote device a second order to sell the derivative financial instrument;  
    setting, using the computing device, a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
    executing a trade of the derivative financial instrument at the set market price.

51.     **(New)** The method of claim 50, in which the set market price is indicative of a market interest in the movie talent such that a prediction of a potential box office revenue for a movie featuring the movie talent may be made based at least in part on the set market price in advance of a release of the movie.

52.     **(New)** The method of claim 50, in which the network comprises the Internet.

53.     **(New)** The method of claim 50, in which the set market price is presented by electronic currency.

54.     **(New)** The method of claim 53, further comprising:  
    debiting a first account controlled by a first trader who issued the first order in the electronic currency for the executed trade, and  
    crediting a second account controlled by a second trader who issued the second order with proceeds in the electronic currency for the executed trade.

55. (New) The method of claim 53, in which the electronic currency comprises Hollywood dollars.

56. (New) The method of claim 50, further comprising:  
offering the derivative financial instrument at the initial price;

57. (New) The method of claim 56, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a higher yield than another bond that represents another movie talent, the another movie talent having a higher popularity rating than the popularity rating for the movie talent.

58. (New) The method of claim 56, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a lower yield than another bond that represents another movie talent, the another movie talent having a lower popularity rating than the popularity rating for the movie talent.

59. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based  
at least in part on a popularity rating for the movie talent in the  
entertainment industry;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
execute a trade of the derivative financial instrument at the set market price.

60. (New) The apparatus of claim 59, in which the set market price is indicative of a market interest in the movie talent such that a prediction of a potential box office revenue for a movie featuring the movie talent may be made based at least in part on the set market price in advance of a release of the movie.

61. (New) The apparatus of claim 59, in which the network comprises the Internet.

62. (New) The apparatus of claim 59, in which the set market price is presented by electronic currency.

63. (New) The apparatus of claim 62, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

debit a first account controlled by a first trader who issued the first order in the electronic currency for the executed trade, and

credit a second account controlled by a second trader who issued the second order with proceeds in the electronic currency for the executed trade.

64. (New) The apparatus of claim 62, in which the electronic currency comprises Hollywood dollars.

65. (New) The apparatus of claim 59, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

offer the derivative financial instrument at the initial price;

66. (New) The apparatus of claim 65, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a higher yield than another bond that represents another movie talent, the another movie talent having a higher popularity rating than the popularity rating for the movie talent.

67. (New) The apparatus of claim 65, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a lower yield than another bond that represents another movie talent, the another movie talent having a lower popularity rating than the popularity rating for the movie talent.

68. (New) An article of manufacture, comprising:  
a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based  
at least in part on a popularity rating for the movie talent in the  
entertainment industry;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
execute a trade of the derivative financial instrument at the set market price.

69. (New) A method, comprising:

setting, using a computing device, an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
receiving via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
receiving via the remote device a second order to sell the derivative financial instrument;  
setting, using the computing device, a market price based at least in part on a criterion associated with the movie talent, in which the computing device and the remote device are in communication; and  
executing a trade of the derivative financial instrument at the set market price.

70. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
receive via the remote device a second order to sell the derivative financial instrument;  
set a market price based at least in part on a criterion associated with the movie talent, in which the computing device and the remote device are in communication; and  
execute a trade of the derivative financial instrument at the set market price.

71. (New) An article of manufacture, comprising:  
a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:  
    set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
        setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
    receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
    receive via the remote device a second order to sell the derivative financial instrument;  
    set a market price based at least in part on a criterion associated with the movie talent, in which the computing device and the remote device are in communication; and  
    execute a trade of the derivative financial instrument at the set market price.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
98-HSX001-C1

In re Application of: TIMOTHY M. KEISER

Application No.: 09/465,607

Filed: December 17, 1999

For: COMPUTER-IMPLEMENTED SECURITIES TRADING SYSTEM WITH A VIRTUAL SPECIALIST FUNCTION

The owner\*, CFPH, L.L.C., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 11/351,614, filed on February 9, 2006, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 43,464

/Christopher D. Agnew/  
Signature

7/23/2010  
Date

Christopher D. Agnew  
Typed or printed name

(857) 413-2050  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
98-HSX001-C1

In re Application of: TIMOTHY M. KEISER

Application No.: 09/465,607

Filed: December 17, 1999

For: COMPUTER-IMPLEMENTED SECURITIES TRADING SYSTEM WITH A VIRTUAL SPECIALIST FUNCTION

The owner\*, CFPH, L.L.C., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/655,409, filed on September 4, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 43,464

/Christopher D. Agnew/  
Signature

7/23/2010  
Date

Christopher D. Agnew  
Typed or printed name

(857) 413-2050  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
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1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**From:** Agnew, Christopher  
**To:** 'clement.graham@uspto.gov'; 'hani.kazimi@uspto.gov'  
**Cc:** Farhanish, Glen  
**Subject:** RE: Application Serial No. 09/465,607 (Atty. Docket No. 98-HSX001-C1)  
**Date:** Wednesday, August 04, 2010 9:21:00 PM  
**Attachments:** 98-HSX001-C1\_100804\_Replacement\_Proposed\_Amendment.pdf  
98-HSX001-C1\_100804\_Replacement\_Proposed\_Amendment.doc

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Dear Examiner Graham and Primary Examiner Kazimi,

Attached please find a replacement set of proposed claim amendments in the above patent application. I have included both PDF and Word versions of these amendments.

Please note that the attached proposed new claims are intended to advance prosecution toward an earlier allowance and/or satisfy current business objectives of Applicant, and are not necessarily proposed for reasons of patentability. Canceled claims, if any, are canceled without prejudice or disclaimer.

Applicants authorize entry of the replacement set of proposed new claims (and amended title) as an Examiner's Amendment. Applicants also hereby authorize the Commissioner of Patents to charge any additional claims fees associated with the Examiner's Amendment to our Deposit Account No. 50-3938.

Applicants no longer authorize entry of the previous set of new claims as an Examiner's Amendment.

Authorization for Email Communication

Recognizing that Internet communications are not secure, Applicant hereby authorizes the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicant understands that a copy of these communications will be made of record in the application file.

General Authorization for All Fees During Pendency of this Application

For the entire pendency of the application, the Commissioner of Patents is hereby authorized to charge all fees, or credit any overpayment, to our Deposit Account No. 50-3938.

Best regards,

/Christopher D. Agnew/

---

**From:** Agnew, Christopher  
**Sent:** Tuesday, July 27, 2010 9:12 PM  
**To:** 'clement.graham@uspto.gov'  
**Cc:** 'hani.kazimi@uspto.gov'  
**Subject:** Application Serial No. 09/465,607 (Atty. Docket No. 98-HSX001-C1)

Dear Examiner Graham and Primary Examiner Kazimi,

Attached please find proposed claim amendments in the above patent application. I have included both PDF and Word versions of these amendments.

**Although the new claims have been prepared according to the spirit of our discussion last week, please note that these new claims do differ in some respects from what we discussed so a brief follow up discussion may be in order. I know that Primary Examiner Kazimi is on vacation, so, if you like, we can speak when he returns.**

**As requested, I filed two Terminal Disclaimers (attached to this email for your**

**convenience) in this case last Friday.**

Please note that the attached proposed new claims are intended to advance prosecution toward an earlier allowance and/or satisfy current business objectives of Applicant, and are not necessarily proposed for reasons of patentability. Canceled claims, if any, are canceled without prejudice or disclaimer.

Applicants authorize entry of the proposed new claims (and amended title) as an Examiner's Amendment. Applicants also hereby authorize the Commissioner of Patents to charge any additional claims fees associated with the Examiner's Amendment to our Deposit Account No. 50-3938.

I am available to speak with you 24 hours a day/7 days a week. My work number is (857) 413-2050 and my home number is (781) 826-0894. I look forward to speaking with you in the near future.

Authorization for Email Communication

Recognizing that Internet communications are not secure, Applicant hereby authorizes the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicant understands that a copy of these communications will be made of record in the application file.

General Authorization for All Fees During Pendency of this Application

For the entire pendency of the application, the Commissioner of Patents is hereby authorized to charge all fees, or credit any overpayment, to our Deposit Account No. 50-3938.

Best regards,

/Christopher D. Agnew/

**Christopher David Agnew**

Vice President and Assistant General Counsel

Cantor Fitzgerald, L.P.

125 High Street, 26th Floor

Boston, MA 02110

(857) 413-2050 (Direct)

(857) 413-6727 (Mobile)

(212) 308-7537 (Fax)

[cagnew@cantor.com](mailto:cagnew@cantor.com)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Timothy M. Keiser *et al.*  
Application No. : **09/465,607**  
Confirmation No. : 9080  
Filed : December 17, 1999  
For : COMPUTER-IMPLEMENTED SECURITIES TRADING  
SYSTEM WITH A VIRTUAL SPECIALIST FUNCTION  
  
[New Title after entry of Proposed Amendment:  
**COMPUTER-IMPLEMENTED SECURITIES  
TRADING SYSTEM**]  
  
Group Art Unit : 3691  
Examiner : Clement Graham  
Attorney Docket No. : 98-HSX001-C1  
Customer No. : 63710

**PROPOSED AMENDMENT TO THE TITLE**

**Please make an Examiner's Amendment changing the title to the following:**

**COMPUTER-IMPLEMENTED SECURITIES TRADING SYSTEM**

**PROPOSED CLAIM AMENDMENTS**

INDEPENDENT CLAIMS: 23, 31, 38, 45, 54, and 62

DEPENDENT CLAIMS: 24-30, 32-37, 39-44, 46-53, 55-61, and 63-69

CANCELED CLAIMS: 1-22 (canceled without prejudice or disclaimer)

CURRENTLY AMENDED: **None**

NEW CLAIMS: 23-69

1-22. (Canceled).

23. (New) A method, comprising:

setting, using a computing device, an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least

in part on a potential box office revenue for the movie;

receiving via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receiving via the remote device a second order to sell the derivative financial instrument;

setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

executing a trade of the derivative financial instrument at the set market price.

24. (New) The method of claim 23, in which the network comprises the Internet.

25. (New) The method of claim 23, in which the set market price is presented by electronic currency.

26. (New) The method of claim 25, in which the electronic currency comprises actual dollars.

27. (New) The method of claim 25, in which the electronic currency comprises virtual currency.

28. (New) The method of claim 27, in which the virtual currency comprises Hollywood dollars.

29. (New) The method of claim 23, further comprising:  
determining, using the computing device, a net price movement of the market price;  
stopping, using the computing device, trading of the derivative financial instrument based at least in part on the net price movement.

30. (New) The method of claim 23, further comprising:  
offering the derivative financial instrument at the initial price.

31. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:  
    set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
        setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
    receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
    receive via the remote device a second order to sell the derivative financial instrument;

set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

32. (New) The apparatus of claim 31, in which the network comprises the Internet.

33. (New) The apparatus of claim 31, in which the set market price is presented by electronic currency.

34. (New) The apparatus of claim 33, in which the electronic currency comprises actual dollars.

35. (New) The apparatus of claim 33, in which the electronic currency comprises virtual currency.

36. (New) The apparatus of claim 31, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

determine a net price movement of the market price;

stop trading of the derivative financial instrument based at least in part on the net price movement.

37. (New) The apparatus of claim 31, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

offer the derivative financial instrument at the initial price.

38. (New) An article of manufacture, comprising:

a non-transitory tangible storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:



setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
receive via the remote device a second order to sell the derivative financial instrument;  
set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
execute a trade of the derivative financial instrument at the set market price.

39. (New) The article of manufacture of claim 38, in which the network comprises the Internet.

40. (New) The article of manufacture of claim 38, in which the set market price is presented by electronic currency.

41. (New) The article of manufacture of claim 40, in which the electronic currency comprises actual dollars.

42. (New) The article of manufacture of claim 40, in which the electronic currency comprises virtual currency.

43. (New) The article of manufacture of claim 38, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:  
determine a net price movement of the market price;  
stop trading of the derivative financial instrument based at least in part on the net price movement.

44. (New) The article of manufacture of claim 38, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:  
offer the derivative financial instrument at the initial price.

45. (New) A method, comprising:  
setting, using a computing device, an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
    setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
    receiving via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
    receiving via the remote device a second order to sell the derivative financial instrument;  
    setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
    executing a trade of the derivative financial instrument at the set market price.

46. (New) The method of claim 45, in which the network comprises the Internet.

47. (New) The method of claim 45, in which the set market price is presented by electronic currency.

48. (New) The method of claim 47, in which the electronic currency comprises actual dollars.

49. (New) The method of claim 47, in which the electronic currency comprises virtual currency.

50. (New) The method of claim 49, in which the virtual currency comprises Hollywood dollars.

51. (New) The method of claim 45, further comprising:  
determining, using the computing device, a net price movement of the market price;  
stopping, using the computing device, trading of the derivative financial instrument based at least in part on the net price movement.

52. (New) The method of claim 45, further comprising:  
offering the derivative financial instrument at the initial price.

53. (New) The method of claim 52, in which offering the derivative financial instrument at the initial price comprises:  
issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.

54. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:  
set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
receive via the remote device a second order to sell the derivative financial instrument;

set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

55. (New) The apparatus of claim 54, in which the network comprises the Internet.

56. (New) The apparatus of claim 54, in which the set market price is presented by electronic currency.

57. (New) The apparatus of claim 56, in which the electronic currency comprises actual dollars.

58. (New) The apparatus of claim 56, in which the electronic currency comprises virtual currency.

59. (New) The apparatus of claim 54, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

determine a net price movement of the market price;

stop trading of the derivative financial instrument based at least in part on the net price movement.

60. (New) The apparatus of claim 54, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

offer the derivative financial instrument at the initial price.

61. (New) The apparatus of claim 60, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.

62. (New) An article of manufacture, comprising:  
a non-transitory tangible storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:  
    set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
        setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
    receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
    receive via the remote device a second order to sell the derivative financial instrument;  
    set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
    execute a trade of the derivative financial instrument at the set market price.
63. (New) The article of manufacture of claim 62, in which the network comprises the Internet.
64. (New) The article of manufacture of claim 62, in which the set market price is presented by electronic currency.
65. (New) The article of manufacture of claim 64, in which the electronic currency comprises actual dollars.
66. (New) The article of manufacture of claim 64, in which the electronic currency comprises virtual currency.

67. (New) The article of manufacture of claim 62, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

determine a net price movement of the market price;  
stop trading of the derivative financial instrument based at least in part on the net price movement.

68. (New) The article of manufacture of claim 62, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

offer the derivative financial instrument at the initial price.

69. (New) The article of manufacture of claim 68, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Timothy M. Keiser *et al.*  
Application No. : **09/465,607**  
Confirmation No. : 9080  
Filed : December 17, 1999  
For : COMPUTER-IMPLEMENTED SECURITIES TRADING  
SYSTEM WITH A VIRTUAL SPECIALIST FUNCTION  
  
[New Title after entry of Proposed Amendment:  
**COMPUTER-IMPLEMENTED SECURITIES  
TRADING SYSTEM**]  
  
Group Art Unit : 3691  
Examiner : Clement Graham  
Attorney Docket No. : 98-HSX001-C1  
Customer No. : 63710

**PROPOSED AMENDMENT TO THE TITLE**

**Please make an Examiner's Amendment changing the title to the following:**

**COMPUTER-IMPLEMENTED SECURITIES TRADING SYSTEM**

**PROPOSED CLAIM AMENDMENTS**

INDEPENDENT CLAIMS: 23, 31, 38, 45, 54, and 62

DEPENDENT CLAIMS: 24-30, 32-37, 39-44, 46-53, 55-61, and 63-69

CANCELED CLAIMS: 1-22 (canceled without prejudice or disclaimer)

CURRENTLY AMENDED: **None**

NEW CLAIMS: 23-69

1-22. **(Canceled)**.

23. **(New)** A method, comprising:

setting, using a computing device, an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;

receiving via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receiving via the remote device a second order to sell the derivative financial instrument;

setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

executing a trade of the derivative financial instrument at the set market price.

24. **(New)** The method of claim 23, in which the network comprises the Internet.

25. **(New)** The method of claim 23, in which the set market price is presented by electronic currency.



26. (New) The method of claim 25, in which the electronic currency comprises actual dollars.

27. (New) The method of claim 25, in which the electronic currency comprises virtual currency.

28. (New) The method of claim 27, in which the virtual currency comprises Hollywood dollars.

29. (New) The method of claim 23, further comprising:  
determining, using the computing device, a net price movement of the market price;  
stopping, using the computing device, trading of the derivative financial instrument based at least in part on the net price movement.

30. (New) The method of claim 23, further comprising:  
offering the derivative financial instrument at the initial price.

31. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:  
    set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
        setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
    receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
    receive via the remote device a second order to sell the derivative financial instrument;

set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

32. (New) The apparatus of claim 31, in which the network comprises the Internet.

33. (New) The apparatus of claim 31, in which the set market price is presented by electronic currency.

34. (New) The apparatus of claim 33, in which the electronic currency comprises actual dollars.

35. (New) The apparatus of claim 33, in which the electronic currency comprises virtual currency.

36. (New) The apparatus of claim 31, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

determine a net price movement of the market price;

stop trading of the derivative financial instrument based at least in part on the net price movement.

37. (New) The apparatus of claim 31, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

offer the derivative financial instrument at the initial price.

38. (New) An article of manufacture, comprising:

a non-transitory tangible storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
receive via the remote device a second order to sell the derivative financial instrument;  
set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
execute a trade of the derivative financial instrument at the set market price.

39. (New) The article of manufacture of claim 38, in which the network comprises the Internet.

40. (New) The article of manufacture of claim 38, in which the set market price is presented by electronic currency.

41. (New) The article of manufacture of claim 40, in which the electronic currency comprises actual dollars.

42. (New) The article of manufacture of claim 40, in which the electronic currency comprises virtual currency.

43. (New) The article of manufacture of claim 38, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:  
determine a net price movement of the market price;  
stop trading of the derivative financial instrument based at least in part on the net price movement.

44. (New) The article of manufacture of claim 38, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to: offer the derivative financial instrument at the initial price.

45. (New) A method, comprising:  
setting, using a computing device, an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
    setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
    receiving via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
    receiving via the remote device a second order to sell the derivative financial instrument;  
    setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
    executing a trade of the derivative financial instrument at the set market price.

46. (New) The method of claim 45, in which the network comprises the Internet.

47. (New) The method of claim 45, in which the set market price is presented by electronic currency.

48. (New) The method of claim 47, in which the electronic currency comprises actual dollars.

49. (New) The method of claim 47, in which the electronic currency comprises virtual currency.

50. (New) The method of claim 49, in which the virtual currency comprises Hollywood dollars.

51. (New) The method of claim 45, further comprising:  
determining, using the computing device, a net price movement of the market price;  
stopping, using the computing device, trading of the derivative financial instrument based at least in part on the net price movement.

52. (New) The method of claim 45, further comprising:  
offering the derivative financial instrument at the initial price.

53. (New) The method of claim 52, in which offering the derivative financial instrument at the initial price comprises:  
issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.

54. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:  
set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
receive via the remote device a second order to sell the derivative financial instrument;

set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

55. (New) The apparatus of claim 54, in which the network comprises the Internet.

56. (New) The apparatus of claim 54, in which the set market price is presented by electronic currency.

57. (New) The apparatus of claim 56, in which the electronic currency comprises actual dollars.

58. (New) The apparatus of claim 56, in which the electronic currency comprises virtual currency.

59. (New) The apparatus of claim 54, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

determine a net price movement of the market price;

stop trading of the derivative financial instrument based at least in part on the net price movement.

60. (New) The apparatus of claim 54, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

offer the derivative financial instrument at the initial price.

61. (New) The apparatus of claim 60, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.

62. (New) An article of manufacture, comprising:  
a non-transitory tangible storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:  
    set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
        setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
    receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
    receive via the remote device a second order to sell the derivative financial instrument;  
    set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
    execute a trade of the derivative financial instrument at the set market price.
63. (New) The article of manufacture of claim 62, in which the network comprises the Internet.
64. (New) The article of manufacture of claim 62, in which the set market price is presented by electronic currency.
65. (New) The article of manufacture of claim 64, in which the electronic currency comprises actual dollars.
66. (New) The article of manufacture of claim 64, in which the electronic currency comprises virtual currency.

67. (New) The article of manufacture of claim 62, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

determine a net price movement of the market price;  
stop trading of the derivative financial instrument based at least in part on the net price movement.

68. (New) The article of manufacture of claim 62, in which the memory further stores instructions which, when executed by the processor, direct the processor to:

offer the derivative financial instrument at the initial price.

69. (New) The article of manufacture of claim 68, in which offering the derivative financial instrument at the initial price comprises:

issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.



**From:** Agnew, Christopher  
**To:** "clement.graham@uspto.gov"; "hani.kazimi@uspto.gov"  
**Subject:** Application Serial No. 09/465,607 (Atty. Docket No. 98-HSX001-C1)  
**Date:** Wednesday, August 18, 2010 5:15:55 PM  
**Attachments:** 98-HSX001-C1\_100816\_Supplemental\_Amendment.pdf  
98-HSX001-C1\_100816\_Supplemental\_Amendment.doc

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Dear Examiner Graham and Primary Examiner Kazimi,

Attached please electronic copies of a "Supplemental Amendment following Reply to Office Action Dated July 6, 2009" filed August 16, 2010. I have included both PDF and Word versions of the amendment.

**The claims in the amendment are identical to the claims in the Replacement Proposed Amendment sent to your attention on August 4, 2010.**

I look forward to speaking with you both in the near future.

Authorization for Email Communication

Recognizing that Internet communications are not secure, Applicant hereby authorizes the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicant understands that a copy of these communications will be made of record in the application file.

General Authorization for All Fees During Pendency of this Application

For the entire pendency of the application, the Commissioner of Patents is hereby authorized to charge all fees, or credit any overpayment, to our Deposit Account No. 50-3938.

Best regards,

/Christopher D. Agnew/

**Christopher David Agnew**  
Vice President and Assistant General Counsel  
Cantor Fitzgerald, L.P.  
125 High Street, 26th Floor  
Boston, MA 02110  
(857) 413-2050 (Direct)  
(857) 413-6727 (Mobile)  
(212) 308-7537 (Fax)  
[cagnew@cantor.com](mailto:cagnew@cantor.com)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Timothy M. Keiser *et al.*  
Application No. : **09/465,607**  
Confirmation No. : 9080  
Filed : December 17, 1999  
For : COMPUTER-IMPLEMENTED SECURITIES TRADING  
SYSTEM WITH A VIRTUAL SPECIALIST FUNCTION  
  
[New Title after entry of this Amendment:  
**COMPUTER-IMPLEMENTED SECURITIES  
TRADING SYSTEM**]  
  
Group Art Unit : 3691  
Examiner : Clement Graham  
Attorney Docket No. : 98-HSX001-C1  
Customer No. : 63710

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL AMENDMENT FOLLOWING REPLY TO OFFICE ACTION**  
**DATED JULY 6, 2009**

This is a supplemental amendment presented in connection with the above-identified application. Reconsideration of the application is respectfully requested.

As used herein, "we," "us," and/or "our" refer to the present Applicant.

**Amendments to the Specification** begin on page **2** of this paper; **Amendments to the Claims** are reflected in the listing of claims beginning on page **3** of this paper; and **Remarks** begin on page **12** of this paper.

**AMENDMENTS TO THE SPECIFICATION**

Please amend the title as follows:

**COMPUTER-IMPLEMENTED SECURITIES TRADING SYSTEM WITH A  
~~VIRTUAL SPECIALIST FUNCTION~~**

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-22. **(Canceled).**

23. **(New)** A method, comprising:

setting, using a computing device, an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least

in part on a potential box office revenue for the movie;

receiving via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receiving via the remote device a second order to sell the derivative financial instrument;

setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

executing a trade of the derivative financial instrument at the set market price.

24. **(New)** The method of claim 23, in which the network comprises the Internet.

25. **(New)** The method of claim 23, in which the set market price is presented by electronic currency.

26. **(New)** The method of claim 25, in which the electronic currency comprises actual dollars.

27. (New) The method of claim 25, in which the electronic currency comprises virtual currency.

28. (New) The method of claim 27, in which the virtual currency comprises Hollywood dollars.

29. (New) The method of claim 23, further comprising:  
determining, using the computing device, a net price movement of the market price;  
stopping, using the computing device, trading of the derivative financial instrument based at least in part on the net price movement.

30. (New) The method of claim 23, further comprising:  
offering the derivative financial instrument at the initial price.

31. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:  
    set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
        setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
    receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
    receive via the remote device a second order to sell the derivative financial instrument;  
    set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
    execute a trade of the derivative financial instrument at the set market price.

32. (New) The apparatus of claim 31, in which the network comprises the Internet.
33. (New) The apparatus of claim 31, in which the set market price is presented by electronic currency.
34. (New) The apparatus of claim 33, in which the electronic currency comprises actual dollars.
35. (New) The apparatus of claim 33, in which the electronic currency comprises virtual currency.
36. (New) The apparatus of claim 31, in which the memory further stores instructions which, when executed by the processor, direct the processor to:  
determine a net price movement of the market price;  
stop trading of the derivative financial instrument based at least in part on the net price movement.
37. (New) The apparatus of claim 31, in which the memory further stores instructions which, when executed by the processor, direct the processor to:  
offer the derivative financial instrument at the initial price.
38. (New) An article of manufacture, comprising:  
a non-transitory tangible storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:  
set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

39. (New) The article of manufacture of claim 38, in which the network comprises the Internet.

40. (New) The article of manufacture of claim 38, in which the set market price is presented by electronic currency.

41. (New) The article of manufacture of claim 40, in which the electronic currency comprises actual dollars.

42. (New) The article of manufacture of claim 40, in which the electronic currency comprises virtual currency.

43. (New) The article of manufacture of claim 38, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:  
determine a net price movement of the market price;  
stop trading of the derivative financial instrument based at least in part on the net price movement.

44. (New) The article of manufacture of claim 38, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:  
offer the derivative financial instrument at the initial price.

45. (New) A method, comprising:  
setting, using a computing device, an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
    setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
    receiving via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
    receiving via the remote device a second order to sell the derivative financial instrument;  
    setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
    executing a trade of the derivative financial instrument at the set market price.
46. (New) The method of claim 45, in which the network comprises the Internet.
47. (New) The method of claim 45, in which the set market price is presented by electronic currency.
48. (New) The method of claim 47, in which the electronic currency comprises actual dollars.
49. (New) The method of claim 47, in which the electronic currency comprises virtual currency.
50. (New) The method of claim 49, in which the virtual currency comprises Hollywood dollars.
51. (New) The method of claim 45, further comprising:



determining, using the computing device, a net price movement of the market price;  
stopping, using the computing device, trading of the derivative financial instrument based at least in part on the net price movement.

52. (New) The method of claim 45, further comprising:  
offering the derivative financial instrument at the initial price.

53. (New) The method of claim 52, in which offering the derivative financial instrument at the initial price comprises:  
issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.

54. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:  
set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
receive via the remote device a second order to sell the derivative financial instrument;  
set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
execute a trade of the derivative financial instrument at the set market price.

55. (New) The apparatus of claim 54, in which the network comprises the Internet.
56. (New) The apparatus of claim 54, in which the set market price is presented by electronic currency.
57. (New) The apparatus of claim 56, in which the electronic currency comprises actual dollars.
58. (New) The apparatus of claim 56, in which the electronic currency comprises virtual currency.
59. (New) The apparatus of claim 54, in which the memory further stores instructions which, when executed by the processor, direct the processor to:  
determine a net price movement of the market price;  
stop trading of the derivative financial instrument based at least in part on the net price movement.
60. (New) The apparatus of claim 54, in which the memory further stores instructions which, when executed by the processor, direct the processor to:  
offer the derivative financial instrument at the initial price.
61. (New) The apparatus of claim 60, in which offering the derivative financial instrument at the initial price comprises:  
issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.
62. (New) An article of manufacture, comprising:  
a non-transitory tangible storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:

set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

63. (New) The article of manufacture of claim 62, in which the network comprises the Internet.

64. (New) The article of manufacture of claim 62, in which the set market price is presented by electronic currency.

65. (New) The article of manufacture of claim 64, in which the electronic currency comprises actual dollars.

66. (New) The article of manufacture of claim 64, in which the electronic currency comprises virtual currency.

67. (New) The article of manufacture of claim 62, in which the memory further stores instructions which, when executed by the processor, direct the processor to:  
determine a net price movement of the market price;

stop trading of the derivative financial instrument based at least in part on the net price movement.

68. (New) The article of manufacture of claim 62, in which the memory further stores instructions which, when executed by the processor, direct the processor to:  
offer the derivative financial instrument at the initial price.

69. (New) The article of manufacture of claim 68, in which offering the derivative financial instrument at the initial price comprises:  
issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.

**REMARKS**

Claims **23-69** are pending in this application. Claims **23, 31, 38, 45, 54, and 62** are independent. We have canceled claims **1-22** without prejudice or disclaimer, and have added new claims **23-69**. Reconsideration and further examination of the application is respectfully requested.

**Summary of Interviews of July 21, 2010 and August 10, 2010 and Other Discussions**

The undersigned spoke with Examiner Graham several times regarding the present application.

During a brief telephone discussion on June 16, 2010, the undersigned tentatively scheduled an interview with the Examiner and Primary Examiner Hani Kazimi for July 21, 2010. During the course of two brief telephone conversations between the undersigned and Examiner Graham on July 15, 2010 and July 19, 2010, the interview date of July 21, 2010 was confirmed.

On July 21, 2010, in a telephone interview, Examiner Graham and Primary Examiner Kazimi and the undersigned discussed the present application, as well as two other pending applications.

The undersigned explained to the Examiners that, notwithstanding any current rejections in the present application and in no way conceding the propriety of any current rejections in the present application, we would like to work with the United States Patent and Trademark Office to find common agreement to move the present application to allowance. Primary Examiner Kazimi in particular requested that the undersigned prepare and file Terminal Disclaimers on behalf of Applicants with respect to the two other pending applications under discussion. The undersigned and the Examiners also generally discussed potential claim language in the present application. No references were discussed. No agreement was reached, but the Examiners agreed to review and consider proposed amendments from the undersigned in the present application and the two other pending applications, notwithstanding the particular stage of prosecution in a particular pending application (e.g., after non-final Office Action, after final Office Action).

To advance prosecution and obtain early issuance of some subject matter this year rather than potentially forgo the issuance of any subject matter at all this year, the Terminal Disclaimers

for the present application were provided to the U.S. Patent and Trademark Office as requested on June 23, 2010. On June 26, 2010, in a brief telephone discussion with Examiner Graham, the undersigned explained that Terminal Disclaimers in the present application were filed on June 23, 2010.

On July 27, 2010, in a brief telephone conversation, the undersigned spoke generally with Examiner Graham regarding preparation of a proposed amendment.

Later that day, the undersigned sent proposed new claims to Examiner Graham and Primary Examiner Kazimi via electronic mail.

In two brief telephone conversations between the undersigned and Examiner Graham on July 30, 2010 and August 3, 2010, another interview with Examiner Graham and Primary Examiner Kazimi was tentatively scheduled for on or about August 10, 2010.

On August 4, 2010, the undersigned sent replacement proposed new claims to Examiner Graham and Primary Examiner Kazimi via electronic mail.

On August 10, 2010, in a second telephone interview, Examiner Graham and Primary Examiner Kazimi and the undersigned discussed the present application, as well as two other pending applications.

During the second telephone interview, the undersigned and the Examiners generally discussed the replacement proposed new claims in the present application. No agreement was reached. The Examiners requested that the undersigned file supplemental amendments in the present application and the two other pending applications. The undersigned agreed to do so in one of the two other pending applications.

We do not necessarily agree with or acquiesce in any characterization of any claim term or rejection of any claim that the Examiner may have made in any Interview Summary or during the pendency of the present patent application.

The undersigned greatly appreciates Examiner Graham's time and Primary Examiner Kazimi's time in speaking with the undersigned regarding the present application.

Examiner Graham is strongly encouraged to telephone our undersigned representative, **Christopher Agnew, at (857) 413-2050** with any suggestions to advance prosecution and/or to resolve any condition that would impede allowance. Depending on the circumstances and not necessarily for reasons of patentability, we are willing to consider claim amendments and/or

claim cancellations if such amendments and/or cancellations will, in our judgment, advance prosecution toward an earlier allowance and/or satisfy our current business objectives.

### **Claim Amendments**

We do not necessarily agree with the propriety of or concede any of the arguments in the Office Action dated January 6, 2009 ("Office Action"). Nor do we concede that the Examiner made *prima facie* showings for the rejections in the Office Action. Applicants refer to Applicants' Reply to Office Action dated July 6, 2009 for additional arguments regarding earlier pending claims in this case.

Nonetheless, to advance prosecution and obtain early issuance of some subject matter this year rather than potentially forgo the issuance of any subject matter at all this year, we have canceled claims **1-22** without prejudice or disclaimer, and have opted to pursue new claims **23-69**. Reconsideration and further examination of the application is respectfully requested. We respectfully request reconsideration and withdrawal of the rejections.

We reserve the right to file any of the currently or previously canceled claims in, e.g., one or more continuing applications.

### **Claim Rejections - 35 U.S.C. § 101**

In the Office Action, the Examiner rejected earlier pending claims **1, 19, 20, and 22** under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

We do not necessarily agree with or concede any of the arguments in the Office Action regarding whether these previously pending claims were directed to patent-eligible subject matter. Nor do we concede that the Examiner made a *prima facie* showing that the earlier pending claims **1, 19, 20, and 22** were directed to non-statutory subject matter under 35 U.S.C. § 101.

Nonetheless, to advance prosecution and obtain early issuance of some subject matter this year rather than potentially forgo the issuance of any subject matter at all this year, we have opted to pursue new claims **23-69**, rendering the rejections moot.

Reconsideration and further examination of the application is respectfully requested. We respectfully request reconsideration and withdrawal of the rejections.

We respectfully request reconsideration and withdrawal of the rejections.

**Claim Rejections - 35 U.S.C. § 103**

In particular, in the Office Action, the Examiner rejected earlier pending claims **1-22** under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lupien et al., U.S. Patent No. 5,845,266 (“**Lupien**”) in view of Rossides, U.S. Patent No. 6,443,841 (“**Rossides**”).

We do not necessarily agree with or concede any of the arguments in the Office Action regarding, e.g., **Lupien** and **Rossides**. Nor do we concede that the Examiner made a *prima facie* showing that the earlier pending claims **1-22** were unpatentable under 35 U.S.C. § 103(a). Applicants refer to Applicants’ Reply to Office Action dated July 6, 2009 for additional arguments regarding earlier pending claims in this case.

Nonetheless, to advance prosecution and obtain early issuance of some subject matter this year rather than potentially forgo the issuance of any subject matter at all this year, we have opted to pursue new claims **23-69**, rendering these rejections moot.

In any event, none of the portions of **Lupien** or **Rossides** cited by the Examiner in the Office Action discloses or suggests “setting ... an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises: setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie,” as required by new independent claim **23**. New independent claims **31 and 38** include similar language that is similarly not disclosed or suggested by the cited portions of **Lupien** or **Rossides**.

In any event, none of the portions of **Lupien** or **Rossides** cited by the Examiner in the Office Action discloses or suggests “setting ... an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises: setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry,” as required by new independent claim **45**. New independent claims **54 and 62** include similar language that is similarly not disclosed or suggested by the cited portions of **Lupien** or **Rossides**.

Reconsideration and further examination of the application is respectfully requested. We respectfully request reconsideration and withdrawal of the rejections.

**General Comments on Dependent Claims**



Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, we believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. We reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

### **Conclusion**

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

We believe that the application is in condition for allowance, which action is respectfully requested at the Examiner's earliest convenience.

### **Comment Regarding Claim Amendments**

None of the statements below is intended to be an addition to or alteration of the written description of the application as filed. None of the statements below is a statement of what is or is not included in the written description of the application as filed.

In responding to this Office Action, we have made several amendments. We wish to make clear in amending the claims that, unless otherwise noted, "a," "an," or "the" means "one or more" and/or "at least one." For example, "an X" means "one or more X," and/or "at least one X."

**Authorization for Email Communication**

Recognizing that Internet communications are not secure, we hereby authorize the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

**General Authorization for All Fees During Pendency of this Application**

For the entire pendency of the application, the Commissioner of Patents is hereby authorized to charge all fees, or credit any overpayment, to our Deposit Account No. 50-3938.

The Examiner is strongly encouraged to telephone our undersigned representative, Christopher Agnew, at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, we petition for any extension of time required to make this response timely and otherwise not present. Kindly charge any additional fee, or credit any surplus due for any reason, to Deposit Account No. 50-3938.

Respectfully submitted,

Dated: August 16, 2010

By:       /Christopher D. Agnew/        
Christopher D. Agnew  
Reg. No. 43,464  
cagnew@cantor.com  
(857) 413-2050

Customer No: 63710

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Timothy M. Keiser *et al.*  
Application No. : **09/465,607**  
Confirmation No. : 9080  
Filed : December 17, 1999  
For : COMPUTER-IMPLEMENTED SECURITIES TRADING  
SYSTEM WITH A VIRTUAL SPECIALIST FUNCTION  
  
[New Title after entry of this Amendment:  
**COMPUTER-IMPLEMENTED SECURITIES  
TRADING SYSTEM**]  
  
Group Art Unit : 3691  
Examiner : Clement Graham  
Attorney Docket No. : 98-HSX001-C1  
Customer No. : 63710

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL AMENDMENT FOLLOWING REPLY TO OFFICE ACTION**  
**DATED JULY 6, 2009**

This is a supplemental amendment presented in connection with the above-identified application. Reconsideration of the application is respectfully requested.

As used herein, "we," "us," and/or "our" refer to the present Applicant.

**Amendments to the Specification** begin on page **2** of this paper; **Amendments to the Claims** are reflected in the listing of claims beginning on page **3** of this paper; and **Remarks** begin on page **12** of this paper.

**AMENDMENTS TO THE SPECIFICATION**

Please amend the title as follows:

**COMPUTER-IMPLEMENTED SECURITIES TRADING SYSTEM WITH A  
~~VIRTUAL SPECIALIST FUNCTION~~**

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-22. **(Canceled).**

23. **(New)** A method, comprising:

setting, using a computing device, an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:

setting the initial price for the derivative financial instrument based at least

in part on a potential box office revenue for the movie;

receiving via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receiving via the remote device a second order to sell the derivative financial instrument;

setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

executing a trade of the derivative financial instrument at the set market price.

24. **(New)** The method of claim 23, in which the network comprises the Internet.

25. **(New)** The method of claim 23, in which the set market price is presented by electronic currency.

26. **(New)** The method of claim 25, in which the electronic currency comprises actual dollars.

27. (New) The method of claim 25, in which the electronic currency comprises virtual currency.

28. (New) The method of claim 27, in which the virtual currency comprises Hollywood dollars.

29. (New) The method of claim 23, further comprising:  
determining, using the computing device, a net price movement of the market price;  
stopping, using the computing device, trading of the derivative financial instrument based at least in part on the net price movement.

30. (New) The method of claim 23, further comprising:  
offering the derivative financial instrument at the initial price.

31. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:  
    set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
        setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;  
    receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;  
    receive via the remote device a second order to sell the derivative financial instrument;  
    set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
    execute a trade of the derivative financial instrument at the set market price.

32. (New) The apparatus of claim 31, in which the network comprises the Internet.
33. (New) The apparatus of claim 31, in which the set market price is presented by electronic currency.
34. (New) The apparatus of claim 33, in which the electronic currency comprises actual dollars.
35. (New) The apparatus of claim 33, in which the electronic currency comprises virtual currency.
36. (New) The apparatus of claim 31, in which the memory further stores instructions which, when executed by the processor, direct the processor to:  
determine a net price movement of the market price;  
stop trading of the derivative financial instrument based at least in part on the net price movement.
37. (New) The apparatus of claim 31, in which the memory further stores instructions which, when executed by the processor, direct the processor to:  
offer the derivative financial instrument at the initial price.
38. (New) An article of manufacture, comprising:  
a non-transitory tangible storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to:  
set an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises:  
setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie;

receive via a remote device a first order to buy the derivative financial instrument that represents the movie in the entertainment industry, the derivative financial instrument comprising a stock for trading over a network;

receive via the remote device a second order to sell the derivative financial instrument;

set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

execute a trade of the derivative financial instrument at the set market price.

39. (New) The article of manufacture of claim 38, in which the network comprises the Internet.

40. (New) The article of manufacture of claim 38, in which the set market price is presented by electronic currency.

41. (New) The article of manufacture of claim 40, in which the electronic currency comprises actual dollars.

42. (New) The article of manufacture of claim 40, in which the electronic currency comprises virtual currency.

43. (New) The article of manufacture of claim 38, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:  
determine a net price movement of the market price;  
stop trading of the derivative financial instrument based at least in part on the net price movement.

44. (New) The article of manufacture of claim 38, in which the storage medium further stores instructions which, when executed by the processor, direct the processor to:  
offer the derivative financial instrument at the initial price.



45. (New) A method, comprising:  
setting, using a computing device, an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
    setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
    receiving via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
    receiving via the remote device a second order to sell the derivative financial instrument;  
    setting, using the computing device, a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
    executing a trade of the derivative financial instrument at the set market price.
46. (New) The method of claim 45, in which the network comprises the Internet.
47. (New) The method of claim 45, in which the set market price is presented by electronic currency.
48. (New) The method of claim 47, in which the electronic currency comprises actual dollars.
49. (New) The method of claim 47, in which the electronic currency comprises virtual currency.
50. (New) The method of claim 49, in which the virtual currency comprises Hollywood dollars.
51. (New) The method of claim 45, further comprising:

determining, using the computing device, a net price movement of the market price;  
stopping, using the computing device, trading of the derivative financial instrument based at least in part on the net price movement.

52. (New) The method of claim 45, further comprising:  
offering the derivative financial instrument at the initial price.

53. (New) The method of claim 52, in which offering the derivative financial instrument at the initial price comprises:  
issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.

54. (New) An apparatus, comprising:  
a processor; and  
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to:  
set an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises:  
setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry;  
receive via a remote device a first order to buy the derivative financial instrument that represents the movie talent in the entertainment industry, the derivative financial instrument comprising a bond for trading over a network;  
receive via the remote device a second order to sell the derivative financial instrument;  
set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and  
execute a trade of the derivative financial instrument at the set market price.

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receive via the remote device a second order to sell the derivative financial instrument;

set a market price for the derivative financial instrument based at least in part on the first order and the second order, in which the computing device and the remote device are in communication; and

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offer the derivative financial instrument at the initial price.

69. (New) The article of manufacture of claim 68, in which offering the derivative financial instrument at the initial price comprises:  
issuing the bond with a higher yield than another bond that represents another movie talent, in which the popularity rating for the movie talent is lower than a popularity rating for the another movie talent.

**REMARKS**

Claims **23-69** are pending in this application. Claims **23, 31, 38, 45, 54, and 62** are independent. We have canceled claims **1-22** without prejudice or disclaimer, and have added new claims **23-69**. Reconsideration and further examination of the application is respectfully requested.

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During the second telephone interview, the undersigned and the Examiners generally discussed the replacement proposed new claims in the present application. No agreement was reached. The Examiners requested that the undersigned file supplemental amendments in the present application and the two other pending applications. The undersigned agreed to do so in one of the two other pending applications.

We do not necessarily agree with or acquiesce in any characterization of any claim term or rejection of any claim that the Examiner may have made in any Interview Summary or during the pendency of the present patent application.

The undersigned greatly appreciates Examiner Graham's time and Primary Examiner Kazimi's time in speaking with the undersigned regarding the present application.

Examiner Graham is strongly encouraged to telephone our undersigned representative, **Christopher Agnew, at (857) 413-2050** with any suggestions to advance prosecution and/or to resolve any condition that would impede allowance. Depending on the circumstances and not necessarily for reasons of patentability, we are willing to consider claim amendments and/or

claim cancellations if such amendments and/or cancellations will, in our judgment, advance prosecution toward an earlier allowance and/or satisfy our current business objectives.

### **Claim Amendments**

We do not necessarily agree with the propriety of or concede any of the arguments in the Office Action dated January 6, 2009 ("Office Action"). Nor do we concede that the Examiner made *prima facie* showings for the rejections in the Office Action. Applicants refer to Applicants' Reply to Office Action dated July 6, 2009 for additional arguments regarding earlier pending claims in this case.

Nonetheless, to advance prosecution and obtain early issuance of some subject matter this year rather than potentially forgo the issuance of any subject matter at all this year, we have canceled claims **1-22** without prejudice or disclaimer, and have opted to pursue new claims **23-69**. Reconsideration and further examination of the application is respectfully requested. We respectfully request reconsideration and withdrawal of the rejections.

We reserve the right to file any of the currently or previously canceled claims in, e.g., one or more continuing applications.

### **Claim Rejections - 35 U.S.C. § 101**

In the Office Action, the Examiner rejected earlier pending claims **1, 19, 20, and 22** under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

We do not necessarily agree with or concede any of the arguments in the Office Action regarding whether these previously pending claims were directed to patent-eligible subject matter. Nor do we concede that the Examiner made a *prima facie* showing that the earlier pending claims **1, 19, 20, and 22** were directed to non-statutory subject matter under 35 U.S.C. § 101.

Nonetheless, to advance prosecution and obtain early issuance of some subject matter this year rather than potentially forgo the issuance of any subject matter at all this year, we have opted to pursue new claims **23-69**, rendering the rejections moot.

Reconsideration and further examination of the application is respectfully requested. We respectfully request reconsideration and withdrawal of the rejections.

We respectfully request reconsideration and withdrawal of the rejections.



**Claim Rejections - 35 U.S.C. § 103**

In particular, in the Office Action, the Examiner rejected earlier pending claims **1-22** under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lupien et al., U.S. Patent No. 5,845,266 (“**Lupien**”) in view of Rossides, U.S. Patent No. 6,443,841 (“**Rossides**”).

We do not necessarily agree with or concede any of the arguments in the Office Action regarding, e.g., **Lupien** and **Rossides**. Nor do we concede that the Examiner made a *prima facie* showing that the earlier pending claims **1-22** were unpatentable under 35 U.S.C. § 103(a). Applicants refer to Applicants’ Reply to Office Action dated July 6, 2009 for additional arguments regarding earlier pending claims in this case.

Nonetheless, to advance prosecution and obtain early issuance of some subject matter this year rather than potentially forgo the issuance of any subject matter at all this year, we have opted to pursue new claims **23-69**, rendering these rejections moot.

In any event, none of the portions of **Lupien** or **Rossides** cited by the Examiner in the Office Action discloses or suggests “setting ... an initial price for a derivative financial instrument that represents a movie in an entertainment industry, in which setting the initial price comprises: setting the initial price for the derivative financial instrument based at least in part on a potential box office revenue for the movie,” as required by new independent claim **23**. New independent claims **31 and 38** include similar language that is similarly not disclosed or suggested by the cited portions of **Lupien** or **Rossides**.

In any event, none of the portions of **Lupien** or **Rossides** cited by the Examiner in the Office Action discloses or suggests “setting ... an initial price for a derivative financial instrument that represents a movie talent in an entertainment industry, in which setting the initial price comprises: setting the initial price for the derivative financial instrument based at least in part on a popularity rating for the movie talent in the entertainment industry,” as required by new independent claim **45**. New independent claims **54 and 62** include similar language that is similarly not disclosed or suggested by the cited portions of **Lupien** or **Rossides**.

Reconsideration and further examination of the application is respectfully requested. We respectfully request reconsideration and withdrawal of the rejections.

**General Comments on Dependent Claims**

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, we believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. We reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

### **Conclusion**

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

We believe that the application is in condition for allowance, which action is respectfully requested at the Examiner's earliest convenience.

### **Comment Regarding Claim Amendments**

None of the statements below is intended to be an addition to or alteration of the written description of the application as filed. None of the statements below is a statement of what is or is not included in the written description of the application as filed.

In responding to this Office Action, we have made several amendments. We wish to make clear in amending the claims that, unless otherwise noted, "a," "an," or "the" means "one or more" and/or "at least one." For example, "an X" means "one or more X," and/or "at least one X."

**Authorization for Email Communication**

Recognizing that Internet communications are not secure, we hereby authorize the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

**General Authorization for All Fees During Pendency of this Application**

For the entire pendency of the application, the Commissioner of Patents is hereby authorized to charge all fees, or credit any overpayment, to our Deposit Account No. 50-3938.

The Examiner is strongly encouraged to telephone our undersigned representative, Christopher Agnew, at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, we petition for any extension of time required to make this response timely and otherwise not present. Kindly charge any additional fee, or credit any surplus due for any reason, to Deposit Account No. 50-3938.

Respectfully submitted,

Dated: August 16, 2010

By:       /Christopher D. Agnew/        
Christopher D. Agnew  
Reg. No. 43,464  
cagnew@cantor.com  
(857) 413-2050

Customer No: 63710